

SUBJECT: Establishing safety requirements for amusement ride operators

COMMITTEE: Insurance — favorable, without amendment

VOTE: 8 ayes — Oliverson, J. González, Hull, Israel, Middleton, Paul, Romero, Sanford

0 nays

1 absent — Vo

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Luke Bellsnyder, Texas Department of Insurance)

BACKGROUND: Occupations Code ch. 2151, subch. C governs the operation of amusement rides and includes requirements for insurance coverage and inspections.

Under Penal Code sec. 49.065, a person commits an offense if the person is intoxicated while operating or assembling an amusement ride. The offense is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) with a minimum term of confinement of 72 hours, except that the minimum term of confinement is six days if it shown on the trial of an offense that at the time of the offense the person possessed an open container of alcohol.

It has been suggested that placing additional requirements in statute governing amusement rides would provide for better oversight of persons in direct control of amusement rides.

DIGEST: HB 205 would require an amusement ride operator to be at least 16 years old and trained in the proper use and operation of the amusement ride the person was operating.

The bill would prohibit a ride operator from operating an amusement ride while intoxicated and from simultaneously operating more than one amusement ride unless the operator was a dispatcher for adjacent or proximate elevated waterslide amusement rides.

The bill would define “ride operator” to mean a person who directly controlled or had the duty to directly control the operation of an amusement ride. The term would not include a certified lifeguard, other than a certified lifeguard working as a dispatcher.

The bill would define “dispatcher” as a ride operator stationed at the top of an elevated waterslide amusement ride to maintain order, direct patrons departing the top of the slide, and ensure patrons began the ride safely.

The bill would take effect September 1, 2021.